

REMARKS

The enclosed is responsive to the Office Action mailed on October 28, 2004. At the time the Office Action was mailed claims 23-30 were pending. By way of the present response the Applicants have: 1) amended claims 23 and 27; 2) added no new claims; and 3) canceled no claims. As such, claims 23-30 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 U.S.C. 112 Rejections

The Office Action rejected claims 23-30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that the amendments made to claims 23 and 27 overcome this rejection. As all of the other 112 rejections were based on claims 23 and 27, Applicants respectfully submit that those rejections are also successfully overcome.

35 U.S.C. 103(a) Rejections

The Office Action rejected claims 23-25 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Buskens, U.S. Patent 5,905,871 (hereinafter "Buskens") and Majd, U.S. Patent 6,587,974 (hereinafter "Majd"), in view of Olkin U.S. Patent 6,310,892 (hereinafter "Olkin").

With respect to Claims 23 and 27, the Office Action states that the combination of Buskens, Majd, and Olkin teaches the feature of intermediate nodes positioned in succession from a source/destination node, wherein the intermediate nodes have retry timers programmed with relatively smaller retry time periods than intermediate nodes located relatively closer in succession to the source node. However, Applicants respectfully disagree with this assertion.

Buskens describes a method of multicasting from a "source node" to a plurality of "destination nodes." Each source node retransmits data upon expiration of a retransmission timer. Buskens further describes that each destination node includes a timer for triggering a status signal which identifies packets that it has not received. Finally, Buskens describes a "designated receiver" node which includes a retransmission timer used to retransmit data to one or more destination nodes.

Olkin discloses that a retry timer of a source node may be adjusted after observation of previous round-trip times. For example, at column 7, lines 6-12, Olkin describes that

. . . round-trip times taken for successful acknowledgments of transmission are observed and used to constantly adjust the

retransmission timer. The adjustment of the retransmission timer permits adaptation to existing network and node conditions, thereby avoiding retransmissions based on a particular link that is consistently slower than other links.

Majd discloses a method of detecting and correcting a fault in a signal transmission system. (See Abstract). Majd states that "the greater the length of the transmission path the longer time it will take a signal to propagate from one point to another on the transmission path." (Col. 1, lines 37-39).

However, the combination of Buskens, Majd, and Olkins does not teach a system with a plurality of intermediate nodes which have retry timers set based on positioning relative to a source node.

The Office Action states that "Olkin teaches that retransmission timers/times can be adjusted based upon the round trip distance/time." (Office Action, page 2). Applicants respectfully disagree that Olkin discloses timers that are adjusted based upon distance as Applicants are claiming. Instead, as quoted above, Olkin discloses adjusting a retransmission timer based on round-trip times taken for successful acknowledgements and that this is done to avoid retransmissions because a link is slower than others. Olkin further discloses a "exponential backoff" technique to avoid network congestion and improve transmission speeds/time.

Majd does not disclose the use of retry timers. Majd simply states that it takes a signal longer to propagate down a longer transmission path.

Therefore, the combination of Buskens, Majd, and Olkins does not teach what Applicants are claiming as none of the references alone or in combination disclose, teach, or suggest a system with a plurality of

intermediate nodes which have retry timers set based on positioning relative to a source node. Furthermore, there is no motivation to combine Majd with Buskens or Olkins. Majd does not discuss or suggest retry timers or even intermediate nodes. Instead, Majd discloses a method of detecting and correcting a fault in a signal transmission system.

Accordingly Applicants submit that claims 23 and 27 are in condition for allowance and that the rejections regarding these claims have been overcome. Because Claims 24-25 and 28-29 depend from Claim 23 or 27 and include additional features, Applicants respectfully submit that Claims 23-25 and 27-29 are in condition for allowance.

The Office Action rejected claims 26 and 30 under 35 U.S.C. 103(a) as being unpatentable over Buskens, Majd, Olkin and further in view of Pierson, U.S. Patent 6,632,844 (hereinafter "Pierson"). As Claims 26 and 30 depend from Claim 23 or 27 and include additional features, Applicants respectfully submit that Claims 26 and 30 are in condition for allowance

In light of the comments above, the Applicants respectfully request the allowance of all claims.

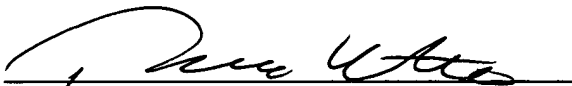
CONCLUSION

Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Thomas C. Webster
Reg. No.: 46,154

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300